

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**In re:**

**Marina Katherine Garcia,**

**Debtor.**

**Chapter 7**

**Bankruptcy No. 10-47792**

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**UNITED STATES TRUSTEE'S NOTICE OF HEARING AND  
MOTION TO EXTEND TIME TO FILE COMPLAINT UNDER 11 U.S.C. § 727**

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COMES NOW the United States Trustee through his undersigned attorney, Colin Kreuziger, and moves the Bankruptcy Court to extend the time to file a complaint objecting to the discharge of the debtor pursuant to 11 U.S.C. § 727. In support of his motion, he states the following:

1. The Court will hold a hearing on this motion at 9:30 a.m. on May 11, 2011, before the United States Bankruptcy Court, Courtroom 8 West, 300 South Fourth Street, Minneapolis, Minnesota.

2. Any response to this motion must be filed and delivered not later than May 6, 2011 which is five days before the time set for the hearing. Local Bankruptcy Rule 9006-1. UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

3. This motion is filed pursuant to Fed. R. Bankr. P. 4004(b) and Local Bankruptcy Rule 9013-2. The United States Trustee is moving to extend the period of time to file a complaint pursuant to 11 U.S.C. § 727. See Fed. R. Bankr. P. 4004(b). The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 1334 and 157(a), Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The debtor filed a chapter 7 petition on October 19, 2010.

4. Fed. R. Bankr. P. 4004(b) provides that a motion to extend the period of time to

file a complaint objecting to the Chapter 7 debtor's discharge must be filed before the time to file a complaint expires. The last date to file a complaint objecting to the discharge of the debtors under Section 727 was January 21, 2011. The United States Trustee previously filed a motion seeking to extend the deadline to object to the debtor's discharge. The court granted the motion and extended the deadline to April 22, 2011.

5. The United States Trustee has requested execution of a waiver that would permit the United States Trustee to obtain certain financial statements of the debtor directly from the debtor's financial institution. The debtor has agreed to execute the waiver, but has not yet done so. Review of the financial statements is essential for the United States Trustee to determine whether an objection pursuant to 11 U.S.C. § 727 is warranted. Therefore, additional time is needed to obtain the waiver and review the documents.

6. The United States Trustee requests that the period to file an objection to the discharge of the debtor be extended to July 22, 2011 to permit additional time to obtain and review the documents.

WHEREFORE, the United States Trustee requests that the Bankruptcy Court extend the period of time to file a complaint to file an objection to the discharge of the debtor under Section 727 until July 22, 2011.

Dated: April 21, 2011

HABBO G. FOKKENA,  
UNITED STATES TRUSTEE  
Region 12

/e/ Colin Kreuziger  
Colin Kreuziger  
Trial Attorney  
MN Atty # 0386834  
Office of the United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 334-1350

**VERIFICATION**

I, Colin Kreuziger, trial attorney for the United States Trustee, the movant named in the foregoing motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: April 21, 2011

Signed: /e/ Colin Kreuziger  
Colin Kreuziger  
Trial Attorney

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**MEMORANDUM OF LAW**

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The United States Trustee through his undersigned attorney, Colin Kreuziger, files this Memorandum of Law in support of his motion to extend the time to file a complaint objecting to discharge pursuant to 11 U.S.C. § 727.

The United States Trustee requests that the Bankruptcy Court extend the period of time for him to file an objection to discharge pursuant to Federal Bankruptcy Rule 4004(b): “On motion of any party in interest, after hearing on notice the court may extend for cause the time for filing a complaint objecting to discharge. The motion shall be made before such time has expired.” Fed. R. Bankr. P. 4004(b). The motion to extend the period of time to file a complaint to object to the discharge of the debtor must be pending in this case on or before January 21, 2011. The United States Trustee previously filed a motion seeking to extend the deadline to object to the debtor’s discharge. The court granted the motion and extended the deadline to April 22, 2011.

The United States Trustee requests additional time to obtain certain financial statements of the debtor for the purpose of determining whether further action pursuant to 11 U.S.C. § 727 is warranted. Extending the period of time to file the discharge will not harm the debtor. The delay is in the best interest of the debtor, as she will be provided with an opportunity to provide her financial statements and demonstrate that no action pursuant to 11 U.S.C. § 727 is warranted.

The United States Trustee respectfully requests that the Bankruptcy Court extend the period of time to file a complaint under 11 U.S.C. § 727 to July 22, 2011.

Dated: April 21, 2011

HABBO G. FOKKENA,  
UNITED STATES TRUSTEE  
Region 12

/e/ Colin Kreuziger  
Colin Kreuziger  
Trial Attorney  
MN Atty # 0386834  
Office of the United States Trustee  
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**UNSWORN CERTIFICATE OF SERVICE**

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The undersigned states under penalty of perjury that on April 21, 2011, she electronically filed the United States Trustee's Notice of Hearing and Motion to Extend Time to File Complaint Objecting to Chapter 7 Discharge pursuant to 11 U.S.C. § 727, Memorandum of Law, and proposed Order; thereby causing electronic service on debtor's counsel and the chapter 7 trustee. She also served the debtor and counsel for the debtor by first class mail postage prepaid to the addresses listed below:

**Addressee(s):**

Marina Katherine Garcia  
15335 67th Ave N  
Maple Grove, MN 55311

Christopher J. Mundt  
CM/ECF

Julia A. Christians  
CM/ECF

/e/ Audrey Williams  
**Office of the United States Trustee**  
**Audrey Williams**

**UNITED STATES BANKRUPTCY COURT  
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**ORDER**

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The United States Trustee's Motion to Extend Period to File Complaint to Objection to Discharge pursuant to 11 U.S.C. § 727 came before the court. Based on the record of these proceedings,

IT IS ORDERED: The deadline for the United States Trustee to file a complaint to object to the discharge of the debtor pursuant to 11 U.S.C. § 727 is extended through July 22, 2011.

Dated:

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United States Bankruptcy Judge